

Natural Resources Board  
District #7 Environmental Commission  
1229 Portland Street, Suite 201  
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May 16, 2008

Mr. Carl Blaisdell  
1353 Hunt Mill Road  
East Ryegate, VT 05042

RE: Jurisdictional Opinion #7-255-Reconsidered  
Rental Cottages on Symes Pond  
Town of East Ryegate

Dear Mr. Blaisdell:

Thank you for meeting with me on-site April 23, 2008 to provide an opportunity to view the subject cottages, and for providing the "History of Carl Blaisdell's Symes Pond, Ryegate, VT Property". This reconsideration is being issued based upon the Request for Reconsideration filed March 26, 2008, and the facts herein. The conclusions stated in Jurisdictional Opinion #7-255 dated February 25, 2008 are reversed as follows.

Reference is hereby made to:

1. Electronic communications between Carl Blaisdell (property owner), and Steve Rebillard, Assistant Regional Engineer, ANR Wastewater Management Division;
2. Information obtained from the internet rental website Vacation Rentals by Owner (VRBO);
3. Four applications for Zoning, and a site survey, filed with the Town of Ryegate;
4. Your letter to the District 7 Act 250 office dated August 14, 2007, with attached income tax form Schedule F (Form 1040) 2001 for *Profit or Loss from Farming*.
5. "History of Carl Blaisdell's Symes Pond, Ryegate, VT Property" ("History") filed April 23, 2008.

**Project description and facts:**

- (a) You own a ±134 acre tract of land located off of Hunt Mill Road in Ryegate, VT, historically used for hunting and timber harvesting, on which you have constructed 3 cottages, a tent platform (used as a platform for a screen tent), and a motor home site in phases.
- (b) On May 4, 2001 the Town of Ryegate Zoning Board approved construction of two structures each described as 5-person camps (known as Loon Lodge and Eagle's Nest).
- (c) On May 24, 2004 the Town of Ryegate Zoning Board denied construction of a structure described as a 6-person camp.
- (d) On August 2, 2004 the Town of Ryegate approved the previously denied construction of the camp referenced in (c) (Moose Landing also known as the "new pine cottage").
- (e) Pursuant to your letter dated August 14, 2007, and pursuant to the submitted History, you indicated that the cottages referenced in (b) and (c) were constructed for family use, and were later made available for limited rental use via the VBRO website in 2004 to offset construction costs and taxes.
- (f) In your letter dated August 14, 2007, you stated that "[t]he cottages were built as an integral part of [your] horse farming, logging, and forestry operations by providing lodging for those involved in those operations", and for family use, with the intention to pass them on to your children.
- (g) Moose Landing was constructed in 2005 for your permanent occupancy following your February 2005 retirement.
- (h) You indicated during our May 18, 2007 meeting, that the motor home/camper was initially used exclusively by you and your family, and is currently being used for storage.

**Jurisdictional analysis:**

Under Act 250, in pertinent part, regulated *development means: Construction of improvements for commercial or industrial purposes on more than one acre of land within a municipality that has not adopted permanent zoning and subdivision bylaws* pursuant to 10 VSA § 6001(3)(A)(ii). An Act 250 permit is required if a project meets the above definition.

The ±134 acre tract is located in Ryegate, a town that has not adopted both permanent zoning and subdivision bylaws.

Natural Resources Board rule 2(C)(3) defines ***construction of improvements*** as *any physical action on a project site which initiates development...*

There has been construction of improvements on the tract, including construction of three

cottage/camp structures, a tent platform, a motor home site, and associated site work.

Natural Resources Board Rule 2(C)(4) defines a **commercial purpose** as *the provision of facilities, goods or services by a person other than for a municipal or state purpose to others in exchange for payment of a purchase price, fee, contribution, donation or other object or service having value.*

The commercial purpose was established subsequent to the construction of the cottages for private use.

**Conclusion:** The Project does not include construction of improvements for a commercial purpose is therefore not a *development* subject to Act 250, and does not require a Land Use Permit.

If you have any questions or require assistance please feel free to call me. My direct line is 751-0124. Thank you in advance for your attention to this matter.

Sincerely,

Amy Rast  
Assistant District Coordinator

cc: David R. Cooper, Esq., Kenlan, Schwiebert, Facey & Goss, P.C.  
Town of Ryegate  
District Commission

*This is a jurisdictional opinion issued pursuant to 10 V.S.A. § 6007(c) and Natural Resources Board Rule 3. Reconsideration requests are governed by Natural Resources Board Rule 3 and should be directed to the district coordinator at the above address. Any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of issuance, pursuant to 10 V.S.A. Chapter 220. The appellant must attach to the Notice of Appeal the entry fee of \$225.00, payable to the State of Vermont. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at [www.vermontjudiciary.org](http://www.vermontjudiciary.org). The address for the Environmental Court is: Environmental Court, 2418 Airport Rd., Suite 1, Barre, VT 05641-8701. (Tel. # 802-828-1660).*